UNIVERSITY OF MIAMI LAW REVIEW

VOLUME 31
1976-1977

UNIVERSITY OF MIAMI
SCHOOL OF LAW
CORAL GABLES, FLORIDA

Copyright, 1977
BY THE UNIVERSITY OF MIAMI LAW REVIEW

The *University of Miami Law Review* is published five times a year, March, June, September, November and December, by the Students of the Law School of the University of Miami. Entered as Second class matter at the post office at Miami, Florida, December 21, 1948, under the Act of March 3, 1879.

Printed in U.S.A.
DARBY PRINTING COMPANY
715 W. WHITEHALL ST., S.W., ATLANTA, GEORGIA, U.S.A.

LEADING ARTICLES—TITLES
Index — Volume 31

	Page
ADMINISTRATIVE LAW: *Hon. Arthur J. England, Jr. and L. Harold Levinson*	749
ADMIRALTY: *Brendan P. O'Sullivan*	785
ARE THE BORDERS CLOSING? *Errico* TO *Reid*: A NEW COURT AND AN AGING FRONTIER: *Vicki Joiner Musto and Judith Ruffo*	1
BANKRUPTCY: *Leonard H. Gilbert and Robert Pass*	791
BANKRUPTCY, THE THRESHOLD OF CHANGE: *Russell L. Hiller*	253
CAPITAL PUNISHMENT: *Irwin P. Stotzky*	841
THE CASE OF THE UNWANTED BLESSING: WRONGFUL LIFE: *Joseph S. Kashi*	1409
THE CHAPTER X RULES: *Asa S. Herzog*	227
CIVIL PROCEDURE: *Jeffrey S. Tanen*	869
COMMERCIAL LAW: *Daniel E. Murray*	895
DECISION THEORY AND THE PRE-TRIAL RELEASE DECISION IN CRIMINAL CASES: *Stuart Nagel, Marian Neef, and Sarah Slavin Schramm*	1433
ECONOMICS OF LAW PRACTICE: *Francis E. Fierce, Jr.*	945
EVIDENCE: *William M. Hicks and Joseph M. Matthews*	951
FAMILY LAW: *Daniel E. Murray*	1011
"FRESH CASH"—ANOTHER ELEMENT OF A BANKRUPT'S "FRESH START"? *R. Lewis Townsend*	275
HAITIAN IMMIGRANTS: POLITICAL REFUGEES OR ECONOMIC ESCAPEES? *Martin M. Dernis*	27
INSURANCE: *Richard H. Lee and Edward S. Polk*	1061
INVESTMENT BY NONRESIDENT ALIENS IN UNITED STATES REAL ESTATE: *Bruce Zagaris*	565
IS CONGRESS PROTECTING OUR WATER? THE CONTROVERSY OVER SECTION 404, FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972: *Lee Evan Caplin*	445
LAND USE CONTROLS: *Robert M. Rhodes, Mitchell B. Haigler and Gene D. Brown*	1083
LAND USE PLANNING: *Ronald B. Ravikoff*	1119
THE 1976 MUNICIPAL BANKRUPTCY LAW: *Joseph Patchan and Susan B. Collins*	287
NOTES TOWARD A TRULY MODERN WILLS ACT: *John T. Gaubatz*	497
OWNERSHIP AS A BASIS FOR SUMMARY JURISDICTION IN CHAPTER XI ARRANGEMENTS: *Herbert Suskin and Bradford Swing*	307
PENAL REFORM: *Hon. David U. Strawn*	1159
PREJUDGMENT REMEDIES: *Winton E. Williams*	1165
PROMISES TO PAY IN THE FUTURE—A MODEST PROPOSAL FOR REFORM: *Don W. Llewellyn*	1337
REAL PROPERTY: *Ralph E. Boyer, Robert L. Jamerson, Jr. and Jeffrey R. Surlas*	1183
THE SCHNEPPER TRUST: ELIMINATING THE SECTION 306 TAINT: *J. A. Schnepper*	63
STATE AND LOCAL TAXATION: *Theodore F. Brill and Gerald J. Hayes*	1231
THE TAXATION OF ALIMONY: POLICIES, PROBLEMS AND A PROPOSAL: *John H. Davies*	1355
TAXATION OF STOCK TRANSFERS BETWEEN CORPORATE SHAREHOLDERS AND EMPLOYEES: *Belan K. Wagner*	43
TORTS: *Jeffrey R. Surlas and Robert L. Jamerson, Jr.*	1283

AUTHORS
Index — Volume 31

Page

BAIN, JEFFREY M.: *Fruit of the Poisonous Tree: Recent Developments as Viewed Through its Exceptions* ... 615
BOYER, RALPH E.: *Real Property* ... 1183
BRILL, THEODORE F.: *State and Local Taxation* ... 1231
BROWN, GENE D.: *Land Use Controls* ... 1083
CAPLIN, LEE EVAN: *Is Congress Protecting Our Water? The Controversy Over Section 404, Federal Water Pollution Control Act Amendments of 1972* ... 445
COLLINS, SUSAN B.: *The 1976 Municipal Bankruptcy Law* ... 287
CYPEN, MARCIA: *Access to Health Care Services for the Poor: Existing Programs and Limitations* ... 127
DAVIES, JOHN H.: *The Taxation of Alimony: Policies, Problems and a Proposal* ... 1355
DERNIS, MARTIN M.: *Haitian Immigrants: Political Refugees or Economic Escapees?* ... 27
ENGLAND, ARTHUR J., JR.: *Administrative Law* ... 749
GAUBATZ, JOHN T.: *Notes Toward a Truly Modern Wills Act* ... 497
GILBERT, LEONARD H.: *Bankruptcy* ... 791
HAIGLER, MITCHELL B.: *Land Use Controls* ... 1083
HARRIS, BRUCE A.: *Federal Tort Claims Act: Discretionary Function Exception Revisited* ... 161
HAYES, GERALD J.: *State and Local Taxation* ... 1231
HERZOG, ASA S.: *The Chapter X Rules* ... 227
HICKS, WILLIAM M.: *Evidence* ... 951
HILLER, RUSSELL L.: *Bankruptcy, The Threshold of Change* ... 253
JAMERSON, ROBERT L., JR.: *Real Property* ... 1183
JAMERSON, ROBERT L., JR.: *Torts* ... 1283
KASHI, JOSEPH S.: *The Case of the Unwanted Blessing: Wrongful Life* ... 1409
KAYE, JANICE A.: *The Financial Aspects of Adequate Representation Under Rule 23(a)(4): A Prerequisite to Class Certification?* ... 651
KELLY, MICHAEL K.: *Fruit of the Poisonous Tree: Recent Developments as Viewed Through its Exceptions* ... 615
LEE, RICHARD H.: *Insurance* ... 1061
LEVINSON, L. HAROLD: *Administrative Law* ... 749
LLEWELLYN, DON W.: *Promises to Pay in the Future—A Modest Proposal for Reform* ... 1337
MARKEY, KATHLEEN: *Federal Regulation of Fetal Research: Toward a Public Policy Founded on Ethical Reasoning* ... 675
MATTHEWS, JOSEPH M.: *Evidence* ... 951
MERCERET, FRANCIS J.: *Sentencing Alternatives to Fine and Imprisonment* 387
MURRAY, DANIEL E.: *Commercial Law* ... 895
MURRAY, DANIEL E.: *Family Law* ... 1011
MUSTO, VICKI JOINER: *Are the Borders Closing?* ERRICO *to* REID: *A New Court and an Aging Frontier* ... 1
NAGEL, STUART: *Decision Theory and the Pre-Trial Release Decision in Criminal Cases* ... 1433
NEFF, MARIAN: *Decision Theory and the Pre-Trial Release Decision in Criminal Cases* ... 1433

	Page
O'SULLIVAN, BRENDAN P.: *Admiralty*	785
PASS, ROBERT: *Bankruptcy*	791
PATCHAN, JOSEPH: *The 1976 Municipal Bankruptcy Law*	287
PELTZ, ROBERT D.: *NEPA Threshold Determinations: A Framework of Analysis*	71
PETERSON, WADE: *The Changing Transportation Planning Process*	353
PIERCE, FRANCIS E., JR.: *Economics of Law Practice*	945
POLK, EDWARD S.: *Insurance*	1061
RAVIKOFF, RONALD B.: *Land Use Planning*	1119
RHODES, ROBERT M.: *Land Use Controls*	1083
RUFFO, JUDITH: *Are the Borders Closing?* ERRICO *to* REID: *A New Court and an Aging Frontier*	1
SCHNEPPER, J. A.: *The Schnepper Trust: Eliminating the Section 306 Taint*	63
SCHNEPPER, ROBERT CORY: *Federal Tort Claims Act: Discretionary Function Exception Revisited*	161
SCHRAMM, SARAH SLAVIN: *Decision Theory and the Pre-Trial Release Decision in Criminal Cases*	1433
SINEX, DONALD F.: *The Financial Aspect of Adequate Representation Under Rule 23(a)(4): A Prerequisite to Class Certification?*	651
STOTZKY, IRWIN P.: *Capital Punishment*	841
STRAWN, HON. DAVID U.: *Penal Reform*	1159
SURLAS, JEFFREY R.: *Real Property*	1183
SURLAS, JEFFREY R.: *Torts*	1283
SUSKIND, HERBERT: *Ownership as a Basis for Summary Jurisdiction in Chapter XI Arrangements*	307
SWING, BRADFORD: *Ownership as a Basis for Summary Jurisdiction in Chapter XI Arrangements*	307
TANEN, JEFFREY S.: *Civil Procedure*	869
TOWNSEND, R. LEWIS: *"Fresh Cash"—Another Element of a Bankrupt's "Fresh Start"?*	275
WAGNER, BELAN K.: *Taxation of Stock Transfers Between Corporate Shareholders and Employees*	43
WEINMAN, JEFFREY: *NEPA Threshold Determinations: A Framework of Analysis*	71
WILLIAMS, WINTON E.: *Prejudgment Remedies*	1165
ZAGARIS, BRUCE: *Investment by Nonresident Aliens in United States Real Estate*	565

INDEX OF CASES NOTED

Volume 31

	Page
GOLDEN v. BISCAYNE BAY YACHT CLUB	198
HILLSBOROUGH ASSOCIATION FOR RETARDED CITIZENS v. CITY OF TEMPLE TERRACE	191
HUGHES v. ALEXANDRIA SCRAP CORP.	729
JONNET v. DOLLAR SAVINGS BANK	419
MIREE v. DEKALB COUNTY	1493
SEC v. BAUSCH & LOMB, INC.	1524
STANDARD OIL DIVISION, AMERICAN OIL CO. v. STARKS	436
STONE v. POWELL	735
TIME, INC. v. FIRESTONE	216
UNITED STATES v. CROWDER	1504
UNITED STATES v. JANIS	721
UNITED STATES v. SEXTON COVE ESTATES, INC.	697
WOODS v. COVINGTON COUNTY BANK	1516
YOUNG v. AMERICAN MINI THEATERS, INC.	713

SUBJECT INDEX

Volume 31

References in plain type are to Leading Articles and Comments.
References in *italics* are to Case Notes.

Page

A

ACTIONS AND DEFENSES
- BANKRUPTCY, THE THRESHOLD OF CHANGE ... 253
- THE FINANCIAL ASPECT OF ADEQUATE REPRESENTATION UNDER RULE 23(a)(4): A PREREQUISITE TO CLASS CERTIFICATION? ... 651
- FRUIT OF THE POISONOUS TREE: RECENT DEVELOPMENTS AS VIEWED THROUGH ITS EXCEPTIONS ... 615

ADMINISTRATION OF JUSTICE
- DECISION THEORY AND THE PRE-TRIAL RELEASE DECISION IN CRIMINAL CASES ... 1433

ADMINISTRATIVE LAW
- ACCESS TO HEALTH CARE SERVICES FOR THE POOR: EXISTING PROGRAMS AND LIMITATIONS ... 127
- ADMINISTRATIVE LAW ... 749
- ARE THE BORDERS CLOSING? ERRICO TO REID: A NEW COURT AND AN AGING FRONTIER ... 1
- THE CHAPTER X RULES ... 227
- FEDERAL TORT CLAIMS ACT: DISCRETIONARY FUNCTION EXCEPTION REVISITED ... 161
- NEPA THRESHOLD DETERMINATIONS: A FRAMEWORK OF ANALYSIS ... 71
- OWNERSHIP AS A BASIS FOR SUMMARY JURISDICTION IN CHAPTER XI ARRANGEMENTS ... 307
- *The Reach of the SEC Under Rule 106-5 Is Further Restricted: Negligent Conduct Is Insufficient to Warrant Commission Instigated Injunctive Relief* ... 1524

ADMIRALTY
- ADMIRALTY ... 785
- *Section 10 of the Rivers and Harbors Act: Jurisdiction Shoreward of the Mean High Tide Line* ... 697

Page

ALIENS
- INVESTMENT BY NONRESIDENT ALIENS IN UNITED STATES REAL ESTATE ... 565
- SENTENCING ALTERNATIVES TO FINE AND IMPRISONMENT ... 387

ASSAULT AND BATTERY
- *Foreign Attachment Power Constrained—an End to Quasi In Rem Jurisdiction?* ... 419
- *Postal Employees Are Not Protected from Garnishment* ... 436
- TORTS ... 1283

ASYLUM
- HAITIAN IMMIGRANTS: POLITICAL REFUGEES OR ECONOMIC ESCAPEES? ... 27

ATTACHMENT AND GARNISHMENT
- PREJUDGMENT REMEDIES ... 1166

ATTORNEYS
- *Appearance of Impropriety as the Sole Ground for Disqualification* ... 1516
- BANKRUPTCY ... 791
- BANKRUPTCY, THE THRESHOLD OF CHANGE ... 253
- THE CHAPTER X RULES ... 227
- ECONOMICS OF LAW PRACTICE ... 945
- THE FINANCIAL ASPECT OF ADEQUATE REPRESENTATION UNDER RULE 23(a)(4): A PREREQUISITE TO CLASS CERTIFICATION? ... 651
- "FRESH CASH"—ANOTHER ELEMENT OF A BANKRUPT'S "FRESH START"? ... 275
- THE 1976 MUNICIPAL BANKRUPTCY LAW ... 287
- OWNERSHIP AS A BASIS FOR SUMMARY JURISDICTION IN CHAPTER XI ARRANGEMENTS ... 307

BANKRUPTCY
- BANKRUPTCY ... 791

BANKS AND BANKING
- COMMERCIAL LAW ... 895

Page

BURDEN OF PROOF
EVIDENCE ... 951

CAPITAL PUNISHMENT
CAPITAL PUNISHMENT ... 841

CITIZENS AND CITIZENSHIP
ARE THE BORDERS CLOSING? ERRICO TO REID: A NEW COURT AND AN AGING FRONTIER ... 1
HAITIAN IMMIGRANTS: POLITICAL REFUGEES OF ECONOMIC ESCAPEES? ... 27

CIVIL PROCEDURE
ADMINISTRATIVE LAW ... 749
ADMIRALTY ... 785
BANKRUPTCY ... 791
CIVIL PROCEDURE ... 869
Exclusionary Rule Does Not Extend to State Seized Evidence Used in Federal Civil Tax Proceedings ... 721
LAND USE PLANNING ... 1119
The Reach of the SEC Under Rule 106-5 Is Further Restricted: Negligent Conduct Is Insufficient to Warrant Commission Instigated Injunctive Relief ... 1524

COMMERCE
Proprietary Powers: A New Policy Tool for the States ... 729

COMMERCIAL LAW
BANKRUPTCY ... 791
COMMERCIAL LAW ... 895
PROMISES TO PAY IN THE FUTURE—A MODEST PROPOSAL FOR REFORM ... 1337

CONDOMINIUM AND COOPERATIVE HOUSING
REAL PROPERTY ... 1183

CONFLICT OF LAWS
Foreign Attachment Power Constrained —an End to Quasi in Rem Jurisdiction? ... 419
"FRESH CASH"—ANOTHER ELEMENT OF A BANKRUPT'S "FRESH START"? ... 275
THE 1976 MUNICIPAL BANKRUPTCY LAW ... 287

CONSTITUTIONAL LAW
ADMINISTRATIVE LAW ... 749

Page

ADMIRALTY ... 785
CAPITAL PUNISHMENT ... 841
Equal Protection and The First Amendment: Zoning Away Skid Row 713
Exclusionary Rule Does Not Extend to State Seized Evidence Used in Federal Civil Tax Proceedings ... 721
Fourth Amendment Balancing and Searches into the Body ... 1504
"FRESH CASH"—ANOTHER ELEMENT OF A BANKRUPT'S "FRESH START"? ... 275
FRUIT OF THE POISONOUS TREE: RECENT DEVELOPMENTS AS VIEWED THROUGH ITS EXCEPTIONS ... 615
HAITIAN IMMIGRANTS: POLITICAL REFUGEES OR ECONOMIC ESCAPEES? ... 27
Lease of Bay Bottom Land Does Not Constitute State Action ... 198
PREJUDGMENT REMEDIES ... 1166
Proprietary Powers: A New Policy Tool for the States ... 729
Shutting the Federal Habeas Corpus Door ... 735
Time, Inc. v. Firestone: Is ROSENBLOOM *Really Dead?* ... 216

CONSUMER PROTECTION
COMMERCIAL LAW ... 895
THE 1976 MUNICIPAL BANKRUPTCY LAW ... 287
OWNERSHIP AS A BASIS FOR SUMMARY JURISDICTION IN CHAPTER XI ARRANGEMENTS ... 307

CONTRACTS
BANKRUPTCY, THE THRESHOLD OF CHANGE ... 253
THE CHAPTER X RULES ... 227
Government Contracts: Third Party Beneficiaries and the Expanding Body of Federal Common Law ... 1493
TAXATION OF STOCK TRANSFERS BETWEEN CORPORATE SHAREHOLDERS AND EMPLOYEES ... 43

CORPORATIONS
THE SCHNEPPER TRUST: ELIMINATING THE SECTION 306 TAINT ... 63
SENTENCING ALTERNATIVES TO FINE AND IMPRISONMENT ... 387
STATE AND LOCAL TAXATION ... 1231
TAXATION OF STOCK TRANSFERS BE-

Page

TWEEN CORPORATE SHAREHOLDERS AND EMPLOYEES ... 43

CRIMINAL LAW
CAPITAL PUNISHMENT ... 841
DECISION THEORY AND THE PRE-TRIAL RELEASE DECISION IN CRIMINAL CASES ... 1433
FAMILY LAW ... 1011
Fourth Amendment Balancing and Searches into the Body ...
FRUIT OF THE POISONOUS TREES RECENT DEVELOPMENTS AS VIEWED THROUGH ITS EXCEPTIONS ... 615
PENAL REFORM ... 1159
Shutting the Federal Habeas Corpus Door ... 735

CRIMINAL PROCEDURE
SENTENCING ALTERNATIVES TO FINE AND IMPRISONMENT ... 387

DAMAGES
INSURANCE ... 1061
TORTS ... 1283

DEBTORS
BANKRUPTCY, THE THRESHOLD OF CHANGE ... 253
THE CHAPTER X RULES ... 227
Foreign Attachment Power Constrained—an End to Quasi in Rem Jurisdiction? ... 419
OWNERSHIP AS A BASIS FOR SUMMARY JURISDICTION IN CHAPTER XI ARRANGEMENTS ... 307

DEEDS
REAL PROPERTY ... 1183

DEPORTATION
ARE THE BORDERS CLOSING? ERRICO TO REID: A NEW COURT AND AN AGING FRONTIER ... 1
HAITIAN IMMIGRANTS: POLITICAL REFUGEES OR ECONOMIC ESCAPEES? ... 27

DISCOVERY
CIVIL PROCEDURE ... 869

DISCRIMINATION
"FRESH CASH"—ANOTHER ELEMENT OF A BANKRUPT'S "FRESH START"? ... 275
Lease of Bay Bottom Land Does Not Constitute State Action ... 198

Page

DIVORCE
FAMILY LAW ... 1011

DOMESTIC RELATIONS
FAMILY LAW ... 1011
Foreign Attachment Power Constrained—an End to Quasi In Rem Jurisdiction? ... 419
THE 1976 MUNICIPAL BANKRUPTCY LAW ... 287
SENTENCING ALTERNATIVES TO FINE AND IMPRISONMENT ... 387
THE TAXATION OF ALIMONY: POLICIES, PROBLEMS AND A PROPOSAL ... 1355

DUE PROCESS OF LAW
CAPITAL PUNISHMENT ... 841
FRUIT OF THE POISONOUS TREE: RECENT DEVELOPMENTS AS VIEWED THROUGH ITS EXCEPTIONS ... 615
THE FINANCIAL ASPECT OF ADEQUATE REPRESENTATION UNDER RULE 23(a)(4): A PREREQUISITE TO CLASS CERTIFICATION? ... 651
Fourth Amendment Balancing and Searches into the Body ...
"FRESH CASH"—ANOTHER ELEMENT OF A BANKRUPT'S "FRESH START"? ... 275
PREJUDGMENT REMEDIES ... 1166
STATE AND LOCAL TAXATION ... 1231

ECONOMICS
THE CHANGING TRANSPORTATION PLANNING PROCESS ... 353
ECONOMICS OF LAW PRACTICE ... 945

EMINENT DOMAIN
THE CHANGING TRANSPORTATION PLANNING PROCESS ... 353

ENVIRONMENTAL CONTROL
IS CONGRESS PROTECTING OUR WATER? THE CONTROVERSY OVER SECTION 404, FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972 ... 445
LAND USE CONTROL ... 1083
LAND USE PLANNING ... 1119
NEPA THRESHOLD DETERMINATIONS: A FRAMEWORK OF ANALYSIS ... 71
REAL PROPERTY ... 1183

EQUAL PROTECTION
Equal Protection and the First

Page

Amendment: Zoning Away Skid Row ... 713
Foreign Attachment Power Constrained — an End to Quasi In Rem Jurisdiction? ... 419
SENTENCING ALTERNATIVE TO FINE AND IMPRISONMENT ... 387

ESTATE PLANNING
NOTES TOWARD A TRULY MODERN WILLS ACT ... 497
THE TAXATION OF ALIMONY: POLICIES, PROBLEMS AND A PROPOSAL ... 1355

EVIDENCE
EVIDENCE ... 951
FRUIT OF THE POISONOUS TREE: RECENT DEVELOPMENTS AS VIEWED THROUGH ITS EXCEPTIONS ... 615

FAMILY LAW
BANKRUPTCY, THE THRESHOLD OF CHANGE ... 253
FAMILY LAW ... 1011
THE TAXATION OF ALIMONY: POLICIES, PROBLEMS AND A PROPOSAL ... 1355

FEDERAL RULES OF CIVIL PROCEDURE
THE FINANCIAL ASPECT OF ADEQUATE REPRESENTATION UNDER RULE 23(a)(4): A PREREQUISITE TO CLASS CERTIFICATION? ... 651

FEDERAL RULES OF CRIMINAL PROCEDURE
Shutting the Federal Habeas Corpus Door ... 735

FOREIGN RELATIONS
HAITIAN IMMIGRANTS: POLITICAL REFUGEES OR ECONOMIC ESCAPEES? ... 27

GOVERNMENT
FEDERAL TORT CLAIMS ACT: DISCRETIONARY FUNCTION EXCEPTION REVISITED ... 161
Government Contracts: Third Party Beneficiaries and the Expanding, Body of Federal Common Law ... 1493
TORTS ... 1283

Page

GOVERNMENT IMMUNITY AND LIABILITY
State Immunity From Zoning: A Question of Reasonableness ... 191
FEDERAL TORT CLAIMS ACT: DISCRETIONARY FUNCTION EXCEPTION REVISITED ... 161

HABEAS CORPUS
SHUTTING THE FEDERAL HABEAS CORPUS DOOR ... 735

HOSPITALS
ACCESS TO HEALTH CARE SERVICE FOR THE POOR: EXISTING PROGRAMS AND LIMITATIONS ... 127

IMMIGRATION
ARE THE BORDERS CLOSING? ERRICO TO REID: A NEW COURT AND AN AGING FRONTIER ... 1
"FRESH CASH"—ANOTHER ELEMENT OF A BANKRUPT'S "FRESH START"? ... 275
HAITIAN IMMIGRANTS: POLITICAL REFUGEES OR ECONOMIC ESCAPEES? ... 27

INCOME TAX
ACCESS TO HEALTH CARE SERVICES FOR THE POOR: EXISTING PROGRAMS AND LIMITATIONS ... 127
Exclusionary Rule Does Not Extend to State Seized Evidence Used in Federal Civil Tax Proceedings ... 721
INVESTMENT BY NONRESIDENT ALIENS IN UNITED STATES REAL ESTATE ... 565
THE SCHNEPPER TRUST: ELIMINATING THE SECTION 306 TAINT ... 63
TAXATION OF STOCK TRANSFERS BETWEEN CORPORATE SHAREHOLDERS AND EMPLOYEES ... 43

INFANTS
FEDERAL REGULATION OF FETAL RESEARCH: TOWARD A PUBLIC POLICY FOUNDED ON ETHICAL REASONING ... 675

INJUNCTIONS
The Reach of the SEC Under Rule 106-5 Is Further Restricted: Negligent Conduct Is Insufficient to Warrant Commission Instigated Injunctive Relief ... 1524

Page

INSURANCE
INSURANCE ... 1061

INTERNATIONAL LAW
BANKRUPTCY, THE THRESHOLD OF CHANGE ... 253
THE CHAPTER X RULES ... 227
INVESTMENT BY NONRESIDENT ALIENS IN UNITED STATES REAL ESTATE ... 565
OWNERSHIP AS A BASIS FOR SUMMARY JURISDICTION IN CHAPTER XI ARRANGEMENTS ... 307

JUDGES
BANKRUPTCY, THE THRESHOLD OF CHANGE ... 253
Foreign Attachment Power Constrained — An End to Quasi in Rem Jurisdiction? ... 419

JUDGMENTS
BANKRUPTCY, THE THRESHOLD OF CHANGE ... 253
THE CHANGING TRANSPORTATION PLANNING PROCESS ... 353
CIVIL PROCEDURE ... 869

JUDICIAL REVIEW
ADMINISTRATIVE LAW ... 749
NEPA THRESHOLD DETERMINATIONS: A FRAMEWORK OF ANALYSIS ... 71
OWNERSHIP AS A BASIS FOR SUMMARY JURISDICTION IN CHAPTER XI ARRANGEMENTS ... 307

JURISDICTION
BANKRUPTCY, THE THRESHOLD OF CHANGE ... 253
IS CONGRESS PROTECTING OUR WATER? THE CONTROVERSY OVER SECTION 404, FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972 ... 445
Foreign Attachment Power Constrained — an End to Quasi in Rem Jurisdiction? ... 419
OWNERSHIP AS A BASIS FOR SUMMARY JURISDICTION IN CHAPTER XI ARRANGEMENTS ... 307
Section 10 of the Rivers and Harbors Act: Jurisdiction Shoreward of the Mean High Tide Line ... 697

LANDLORD AND TENANT
BANKRUPTCY, THE THRESHOLD OF CHANGE ... 253
THE CHANGING TRANSPORTATION PLANNING PROCESS ... 353
THE 1976 MUNICIPAL BANKRUPTCY LAW ... 287
OWNERSHIP AS A BASIS FOR SUMMARY JURISDICTION IN CHAPTER XI ARRANGEMENTS ... 307
REAL PROPERTY ... 1183

LEGISLATION
ACCESS TO HEALTH CARE SERVICES FOR THE POOR: EXISTING PROGRAMS AND LIMITATIONS ... 127
IS CONGRESS PROTECTING OUR WATER? THE CONTROVERSY OVER SECTION 404 FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972 ... 445
FEDERAL REGULATION OF FETAL RESEARCH: TOWARD A PUBLIC POLICY FOUNDED ON ETHICAL REASONING ... 675
FEDERAL TORT CLAIMS ACT: DISCRETIONARY FUNCTION EXCEPTION REVISITED ... 161
INSURANCE ... 1061

LIABILITY
ADMIRALTY ... 785
INSURANCE ... 1061
TORTS ... 1283

LIBEL AND SLANDER
Time, Inc. v. Firestone: Is ROSENBLOOM *Really Dead?* ... 216

LIENS
BANKRUPTCY ... 791
"FRESH CASH"—ANOTHER ELEMENT OF A BANKRUPT'S "FRESH START"? ... 275
REAL PROPERTY ... 1183

MALPRACTICE
THE CASE OF THE UNWANTED BLESSING: WRONGFUL LIFE ... 1409
INSURANCE ... 1061
TORTS ... 1283

MARITIME LAW
ADMIRALTY ... 785

MASTER AND SERVANT
Postal Employees Are Not Protected from Garnishment ... 436

Page

MEDICAL JURISPRUDENCE
THE CASE OF THE UNWANTED BLESSING: WRONGFUL LIFE 1409
FEDERAL REGULATION OF FETAL RESEARCH: TOWARD A PUBLIC POLICY FOUNDED ON ETHICAL REASONING .. 675

NEGLIGENCE
THE CASE OF THE UNWANTED BLESSING: WRONGFUL LIFE 1409
FEDERAL TORT CLAIMS ACT: DISCRETIONARY FUNCTION EXCEPTION REVISTED 161
The Reach of the SEC Under Rule 106-5 Is Further Restricted: Negligent Conduct Is Insufficient to Warrant Commission Instigated Injunctive Relief 1524
TORTS 1283

NEGOTIABLE INSTRUMENTS
COMMERCIAL LAW 895

PARTIES TO ACTION
BANKRUPTCY, THE THRESHOLD OF CHANGE 253
THE FINANCIAL ASPECT OF ADEQUATE REPRESENTATION UNDER RULE 23(a)(4): A PREREQUISITE TO CLASS CERTIFICATION? 651

PLEADING
Foreign Attachment Power Constrained — an End to Quasi in Rem Jurisdiction? 419
"FRESH CASH"—ANOTHER ELEMENT OF A BANKRUPT'S "FRESH START"? 275
OWNERSHIP AS A BASIS FOR SUMMARY JURISDICTION IN CHAPTER XI ARRANGEMENTS 307

POSTAL LAWS AND CONVENTIONS
Postal Employees Are Not Protected from Garnishment 436

POVERTY LAW
ACCESS TO HEALTH CARE SERVICES FOR THE POOR: EXISTING PROGRAMS AND LIMITATIONS 127

PRISONS AND PRISONERS
SENTENCING ALTERNATIVES TO FINE AND IMPRISONMENT 387

Page

PRODUCTS LIABILITY
COMMERCIAL LAW 895
TORTS 1283

PROPERTY
NOTES TOWARD TRULY MODERN WILLS ACT 497
OWNERSHIP AS A BASIS FOR SUMMARY JURISDICTION IN CHAPTER XI ARRANGEMENTS 307
TAXATION OF STOCK TRANSFERS BETWEEN CORPORATE SHAREHOLDERS AND EMPLOYEES 43

REAL PROPERTY
INVESTMENT BY NONRESIDENT ALIENS IN UNITED STATES REAL ESTATE ... 565
REAL PROPERTY 1183
Section 10 of the Rivers and Harbors Act: Jurisdiction Shoreward of the Mean High Tide Line 697
STATE AND LOCAL TAXATION 1231

REMEDIES
INSURANCE 1061
PREJUDGMENT REMEDIES 1166

RIGHT OF PRIVACY
FEDERAL REGULATION OF FETAL RESEARCH: TOWARD A PUBLIC POLICY FOUNDED ON ETHICAL REASONING .. 675

SALES
COMMERCIAL LAW 895
PROMISES TO PAY IN THE FUTURE A MODEST PROPOSAL FOR REFORM ... 000
STATE AND LOCAL TAXATION 1231

SAVINGS AND LOAN ASSOCIATIONS
THE CHAPTER X RULES 227

SECURED TRANSACTIONS
BANKRUPTCY 791
THE CHAPTER X RULES 227
COMMERCIAL LAW 895
THE 1976 MUNICIPAL BANKRUPTCY LAW 287

SECURITIES
The Reach of the SEC Under Rule 106-5 Is Further Restricted: Negligent Conduct Is Insufficient to Warrant Commission Instigated Injunctive Relief 1524

Page

TAXATION OF STOCK TRANSFERS BETWEEN CORPORATE SHAREHOLDERS AND EMPLOYEES ... 43

SENTENCING
PENAL REFORM ... 1159
SENTENCING ALTERNATIVES TO FINE AND IMPRISONMENT ... 387

SOCIOLOGY
DECISION THEORY AND THE PRE-TRIAL RELEASE DECISION IN CRIMINAL CASES ... 1433

STATE'S RIGHTS
Proprietary Powers: A New Policy Tool for the States ... 729

SURVEYS OF LAWS AND DECISIONS
ADMINISTRATIVE LAW ... 749
ADMIRALTY ... 785
BANKRUPTCY ... 791
CAPITAL PUNISHMENT ... 841
CIVIL PROCEDURE ... 869
COMMERCIAL LAW ... 895
ECONOMICS OF LAW PRACTICE ... 945
EVIDENCE ... 951
FAMILY LAW ... 1011
INSURANCE ... 1061
LAND USE CONTROLS ... 1083
LAND USE PLANNING ... 1119
PENAL REFORM ... 1159
PREJUDGMENT REMEDIES ... 1166
REAL PROPERTY ... 1183
STATE AND LOCAL TAXATION ... 1231
TORTS ... 1283

TARIFF AND CUSTOM LAWS
THE 1976 MUNICIPAL BANKRUPTCY LAW ... 287

TAXATION
ACCESS TO HEALTH CARE SERVICES FOR THE POOR: EXISTING PROGRAMS AND LIMITATIONS ... 127
INVESTMENT BY NONRESIDENT ALIENS IN UNITED STATES REAL ESTATE ... 565
PROMISES TO PAY IN THE FUTURE — A MODEST PROPOSAL FOR REFORM ... 1337
THE SCHNEPPER TRUST: ELIMINATING THE SECTION 306 TAINT ... 63
STATE AND LOCAL TAXATION ... 1231
THE TAXATION OF ALIMONY: POLICIES, PROBLEMS AND A PROPOSAL ... 1355
TAXATION OF STOCK TRANSFERS BETWEEN CORPORATE SHAREHOLDERS AND EMPLOYEES ... 43

TORTS
THE CASE OF THE UNWANTED BLESSING: WRONGFUL LIFE ... 1409
FEDERAL TORT CLAIMS ACT: DISCRETIONARY FUNCTION EXCEPTION REVISTED ... 161
Time, Inc. v. Firestone: Is ROSENBLOOM *Really Dead?* ... 216
TORTS ... 1283

TRANSPORTATION
THE CHANGING TRANSPORTATION PLANNING PROCESS ... 353

TREATIES
BANKRUPTCY, THE THRESHOLD OF CHANGE ... 253
THE CHAPTER X RULES ... 227

TRUSTS AND TRUSTEES
THE SCHNEPPER TRUST: ELIMINATING THE SECTION 306 TAINT ... 63
THE TAXATION OF ALIMONY: POLICIES, PROBLEMS AND A PROPOSAL ... 1355

UNIFORM LAWS
EVIDENCE ... 951

VICARIOUS LIABILITY
TORTS ... 1283

WARRANTY
COMMERCIAL LAW ... 895

WITNESSES
EVIDENCE ... 951

ZONING
Equal Protection and the First Amendment: Zoning Away Skid Row ... 713
LAND USE CONTROLS ... 1083
LAND USE PLANNING ... 1119
State Immunity from Zoning: A Question of Reasonableness ... 191